Application/Control Number: 10/007,360 Art Unit: 3700

CLMPTO

10/18/04

TRH

Page 2

Art Unit: 3700

1. (Previously presented) A method of securing a first bone against movement relative to a second bone in a patient's body, said method comprising the steps of:

positioning a retainer member formed of bone through the first bone and into the second bone;

preventing relative movement between the first and second bones with the retainer member for a period of time; and

thereafter, breaking the retainer member to release the first and second bones for movement relative to each other, wherein the retainer member is broken in a joint space located between the first and second bones.

2.-4. (Cancelled)

- 5. (Previously presented) A method as set forth in claim I further comprising utilizing the retainer member to form an opening in the first or second bone in the patient's body by moving at least a portion of the retainer member through a compact outer layer of the first or second bone into cancellous bone enclosed by the compact outer layer.
- 6. (Previously presented) A method as set forth in claim 1 further comprising connecting the retainer member formed of bone with the second bone by moving a portion of the retainer member formed of bone into the second bone and transmitting force between an outer side surface area on the retainer member formed of bone and the second bone.
- 7. (Previously presented) A method as set forth in claim? further comprising connecting the retainer member formed of bone with first bone by moving a portion of the retainer member through a portion of the first bone and transmitting force between an outer side surface area on the retainer member formed of bone and the first bone.

8.-15. (Cancelled)

16. (Previously presented) A method as set forth in claim 1 wherein said step positioning the retainer member formed of bone through the first bone and into the second bone includes moving a leading end portion of the retainer member formed of bone through the first bone and into the second bone and interrupting movement of the retainer member formed of bone when the leading end portion of the retainer member formed of bone has moved a predetermined distance into the second bone disposed in the patient's body.

Art Unit: 3700

17-45. (Cancelled)

46. (Previously presented) A method of securing a first bone in a patient's body against movement relative to a second bone in the patient's body, said method comprising the steps of moving a retainer member into the first and second bones, retaining the first and second bones against movement relative to each other with the retainer member, and, thereafter, breaking the retainer member to release the first and second bones for movement relative to each other, wherein the retainer member is broken in a joint space located between the first and second bones.

- 47. (Original) A method as set forth in claim 46 wherein the retainer member is formed of bone, said step of moving the retainer member into the first and second bones includes utilizing the retainer member formed of bone to at least partially form an opening in at least one of the bones.
- 48. (Original) A method as set forth in claim 46 wherein said step of breaking the retainer member to release the first and second bones for movement relative to each other includes bending a joint between the first and second bones.
- 49. (Original) A method as set forth in claim 46 wherein said step of moving the retainer member into the first and second bones includes utilizing the retainer member to form an opening extending through the first bone and to form an opening extending into the second bone.

Page 4

Art Unit: 3700

50. (Original) A method as set forth in claim 46 wherein said step of moving the retainer member into the first and second bones includes moving the retainer member through connective tissue disposed between the first and second bones.

51. (Original) A method as set forth in claim 46 wherein an end portion of the first bone is disposed adjacent to an end portion of the second bone, said step of moving the retainer member into the first and second bones includes moving a portion of the retainer member through the end portion of the first bone into the end portion of the second bone.

52.-63. (Cancelled)

- 64. (Previously presented) A method as set forth in claim 49 further including the step of removing a hard surface area from a location on a compact outer layer of at least one of the first and second bone in the patient's body, said step of utilizing the retainer member to form an opening includes transmitting force from the leading end portion of the retainer member at the location where the hard surface area on the compact outer layer was removed.
- 65. (Previously presented) A method as set forth in claim 46 further comprising connecting the retainer member with the first and second bones by transmitting force between an outer side surface area on the retainer member and the first and second bones.

66-73. (Cancelled)

Art Unit: 3700

74. (Currently Amended) A method of immobilizing a joint between first and second bones in a patient's body, said method comprising the steps of:

moving a retainer member formed of bone through a portion of the first bone and into the second bone, and

holding the first and second bones against movement relative to each other with the retainer member formed of bone, wherein the first and second bones are different bones in the patient's body, and

releasing the first and second boncs for movement relative to each other by breaking the retainer member formed of bone.

75. (Original) A method as set forth in claim 74 wherein said step of moving a retainer member formed of bone through a portion of the first bone and into the second bone includes utilizing the retainer member formed of bone to form an opening in the second bone as the retainer member formed of bone moves into the second bone.

76. (Cancelled). .

77. (Currently Amended) A method as set forth in claim 74 of immobilizing a joint between first and second bones in a patient's body, said method comprising the steps of:

moving a retainer member formed of bone through a portion of the first bone and into the second bone;

holding the first and second bones against movement relative to each other with the retainer member formed of bone, wherein the first and second bones are different bones in the

patient's body; and

further including the step of positioning tissue at the joint between the first and second bones prior to performing said step of moving a retainer member formed of bone through a portion of the first bone and into the second bone.

78. (Original) A method as set forth in claim 74 further including the step of determining the extent of movement of a leading end portion of the retainer member formed of bone relative to the first bone and interrupting said step of moving the retainer member formed of bone through a portion of the first bone and into the second bone upon determining that the extent of movement of the leading end portion of the retainer member formed of bone corresponds to a predetermined extent of movement.

Art Unit: 3700

129. (Previously presented) A method of securing a first bone against movement relative to a second bone in a patient's body, said method comprising the steps of initiating formation of an opening in the first bone in the patient's body by applying force against the first bone in the patient's body with an end of a retainer member formed of bone, moving at least a portion of the retainer member formed of bone into the opening initiated in the first bone in the patient's body by the retainer member formed of bone, connecting the retainer member formed of bone with the tissue to be secured, wherein the tissue to be secured is a second bone in the patient's body, said steps of moving at least a portion of the retainer member formed of bone in

the first bone in the patient's body and connecting the retainer member formed of bone with the tissue to be secured includes moving a portion of the retainer member through the first bone into the second bone to prevent relative movement between the first and second bones, and thereafter, breaking the retainer member to release the first and second bones for movement relative to each other, wherein the retainer member is broken in a joint space located between the first and second bones.

- 130. (Previously presented) A method as set forth in claim 129 further including the step of removing a hard surface area from a location on the first bone in the patient's body, said step of initiating formation of an opening in the first bone in the patient's body includes transmitting force from the end of the retainer member formed of bone to the first bone in the patient's body at the location where the hard surface area was removed.
- 131. (Previously presented) A method as set forth in claim 130 wherein said step of transmitting force from the end of the retainer member formed of bone to the first bone in the patient's body includes rotating the retainer member formed of bone about a central axis of the retainer member formed of bone.
- 132. (Previously presented) A method as set forth in claim 130 wherein said step of transmitting force from the end of the retainer member formed of bone to the first bone in the patient's body includes pushing material of the first bone in the patient's body aside under the influence of force transmitted from the retainer member formed of bone.
- 133. (Previously presented) A method as set forth in claim 129 wherein said step of moving at least a portion of the retainer member formed of bone into the first bone in the patient's body is performed without rotating the retainer member formed of bone about a longitudinal central axis of the retainer member formed of bone.
- 134 (Previously presented) A method as set forth in claim 129 wherein said step of connecting the retainer member formed of bone with tissue to be secured includes moving a

Art Unit: 3700

portion of the retainer member formed of bone into the tissue to be secured and transmitting force between an outer side surface area on the retainer member formed of bone and the tissue to be secured.

135. (Previously presented) A method as set forth in claim 129 wherein said step moving at least a portion of the retainer member formed of bone into the opening initiated in the portion of the bone in the patient's body by the retainer member formed of bone includes moving a leading end portion of the retainer member formed of bone into the portion of the bone in the patient's body and interrupting movement of the retainer member formed of bone into the portion of the bone in the patient's body when the leading end portion of the retainer member formed of bone has moved a predetermined distance into the portion of the bone disposed in the patient's body.

136.-137. (Cancelled)

138. (Previously presented) A method as set forth in claim 129 wherein said step of connecting the retainer member formed of bone with the tissue to be secured is performed after performance of said step of initiating formation of an opening in the first bone in the patient's body.

139. (Previously presented) A method as set forth in claim 50, wherein the connective tissue is healed prior to breaking the retainer member.

portion of the retainer member formed of bone into the tissue to be secured and transmitting force between an outer side surface area on the retainer member formed of bone and the tissue to be secured.

135. (Previously presented) A method as set forth in claim 129 wherein said step moving at least a portion of the retainer member formed of bone into the opening initiated in the portion of the bone in the patient's body by the retainer member formed of bone includes moving a leading end portion of the retainer member formed of bone into the portion of the bone in the patient's body and interrupting movement of the retainer member formed of bone into the portion of the bone in the patient's body when the leading end portion of the retainer member formed of bone has moved a predetermined distance into the portion of the bone disposed in the patient's body.

136.-137. (Cancelled)

138. (Previously presented) A method as set forth in claim 129 wherein said step of connecting the retainer member formed of bone with the tissue to be secured is performed after performance of said step of initiating formation of an opening in the first bone in the patient's body.

139. (Previously presented) A method as set forth in claim 50, wherein the connective tissue is healed prior to breaking the retainer member.